

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Chapter 11

Midnight Madness Distilling, LLC

Case No. 21-11750(MDC)

**DEBTOR'S PRETRIAL DISCLOSURES  
FOR AUGUST 27, 2021 HEARING**

Debtor, Midnight Madness Distilling, LLC (the "Debtor"), by and through its undersigned counsel, files its Pretrial Disclosures for August 27, 2021 Hearing in response to the Order Governing Procedures at Evidentiary Hearing Conducted Remotely by Video Conference ("Pretrial Disclosure Order") for the hearing scheduled for the Debtor's Motion for Entry of an Order: (i) Approving the Sale or Sale of up to Substantially All of the Debtor's Assets, and the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (ii) Approving Certain Bidding Procedures, Assumption and Assignment Procedures, and the Form and Manner of Notice Thereof, (iii) Scheduling Hearings for Such Relief and (iv) Granting Related Relief filed on June 21, 2021 [Docket No. 4] as amended (the "Sale Motion")<sup>1</sup> and respectfully represents as follows:

**Remote Witness List**

1. Casey Parzych
  - a. Member and President of Midnight Madness Distilling, LLC.
  - b. Mr. Parzych's testimony will generally cover the following topics: case background, the Sale Motion, offer from stalking horse, Asset Purchase Agreement negotiations and general terms, marketing process, auction,

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have the respective meanings ascribed thereto in the Sale Motion.

highest and best offer and proposed purchaser, good faith and arm's length negotiations and approval of purchaser as well as requested disclosures.

- c. [casey@theoandopp.com](mailto:casey@theoandopp.com).
- d. Trumbauersville, PA, USA.
- e. Office.
- f. No one else is planned to be in the room while Mr. Parzych testifies.
- g. Other than a proffer of his direct testimony (to be offered by Debtor's counsel at the hearing), Mr. Parzych will not have access to/will not access other documents relevant to his testimony other than the Exhibits listed herein.

2. James W. Comly

- a. Vice President of Comly Auctioneers & Appraisers
- b. Mr. Comly will testify as to the details of Comly's marketing efforts in connection with the Sale Motion and related activity of prospective bidders and interested parties.
- c. [jcomly@comly.com](mailto:jcomly@comly.com).
- d. Bensalem, PA, USA.
- e. Office.
- f. No one else is planned to be in the room while Mr. Comly testifies.
- g. Other than a proffer of his direct testimony (to be offered by Debtor's counsel at the hearing), Mr. Comly will not have access to/will not access other documents relevant to his testimony other than the Exhibits listed herein.

**Exhibit List**

At this time, the Debtor intends to introduce the below listed exhibits at the Hearing.

Please note that in light of the extremely tight deadlines and under the circumstances of this case, some of these Exhibits may change before the Sale Hearing (especially, for example, if the Auction has not concluded by the time this Pretrial Disclosure is filed). All documents will be pre-marked, and served on parties in interest and provided to chambers at

[Eileen\\_Godfrey@paeb.uscourts.gov](mailto:Eileen_Godfrey@paeb.uscourts.gov) in compliance with the Pretrial Disclosure Order or as soon as practicable thereafter.

1. Asset Purchase Agreement of highest and best offer/auction winner.
2. Bid Procedures Order [Docket No. 110].
3. Revised Notice of Sale of Assets [Docket No. 133].
4. Comly Marketing Materials.

Dated: August 25, 2021

**FLASTER/GREENBERG P.C.**

/s/ William J. Burnett

William J. Burnett (Bar No. 75975)

Harry J. Giacometti (Bar No. 55861)

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*Counsel for Debtor*